

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

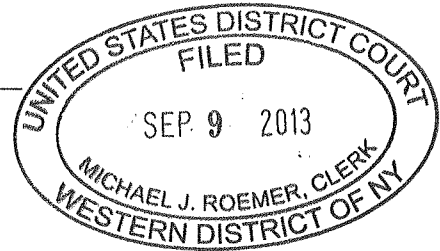
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UNITED STATES OF AMERICA,

Plaintiff,

v.

CRAIG SCHIEDER  
17 LIBERTY STREET  
DEPEW, NEW YORK 14043,



1:08CR00147-001

Defendant,

and

COLTON RV  
ATTN: PAYROLL  
3122 NIAGARA FALLS BLVD.  
N. TONAWANDA, NEW YORK 14120,

Garnishee.

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**INSTRUCTIONS TO DEBTOR**  
**CLERK'S NOTICE OF POST JUDGMENT GARNISHMENT**

YOU ARE HEREBY NOTIFIED that a garnishment is being taken by the United States of America which has a Judgment in Case No.: 1:08CR00147-001 in the United States District Court for the Western District of New York in the sum of \$399,535.06. A balance of \$392,844.06 through September 3, 2013 remains outstanding.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file a written objection to explain why you believe these funds are exempt from execution under Federal Law and request a hearing, a Court Order will be entered attaching the funds or property and the funds or property will be applied against

the Judgment owed the United States of America. A listing of exemptions available to you under Federal Law is attached to this Notice.

You have a right to ask the Court to apply any exemption to which you feel you are entitled or if you question this garnishment.

You have a right to ask the Court to return your property to you if you believe you do not owe the money to the Government that it claims you do, or if you believe the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the Answer of the Garnishee. Your request must be in writing. If you wish, you may use this Notice to request the hearing by checking the appropriate space below. You must either mail the Notice or deliver it in person to the Clerk of the United States District Court located at the following address: U.S. Courthouse, 2 Niagara Square, Buffalo, New York 14202. You must also send a copy of your request to the United States Attorney's Office, ATTN: Ann Morrow, Paralegal, Financial Litigation Unit, Federal Centre, 138 Delaware Avenue, Buffalo, New York 14202 notifying the Government that you have requested a hearing.

The hearing will take place within five (5) business days after the Clerk receives your request, if you choose this option, or as soon thereafter as the Court deems practicable.

At the hearing you may explain to the Judge why you believe the Government is not entitled to the funds garnished or why you believe you do not owe the money to the Government.

If you believe you live outside the Federal Judicial District in which the Court is located, you may request, not later than twenty (20) days after you receive this Notice, that this proceeding be transferred by the Court to the Federal Judicial District in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, located at the following address: U.S. Courthouse, 2 Niagara Square, Buffalo,

New York 14202. You must also send a copy of your request to the Government at the following address: United States Attorney's Office, ATTN: Financial Litigation Unit, Federal Centre, 138 Delaware Avenue, Buffalo, New York 14202.

Be sure to keep a copy of this Notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

MICHAEL J. ROEMER  
Clerk, U.S. District Court

Sept. 9, 2013  
Date

By: Michael J. Roemer  
Clerk

CRAIG SCHIEDER  
1:08CR00147-001

- ☐ Check here if you believe the Government has taken exempt property under this process, and you now want a Court hearing to prove your claim. Before checking this option, review this Notice carefully.
  
- ☐ Check here for a hearing within five (5) business days, or as soon thereafter as the Court deems practicable for you to prove your claim if you believe you do not owe the Government the debt stated in this Notice. Before checking this option, review this Notice carefully.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CRAIG SCHIEDER  
Defendant/Debtor

\* NOTE: You do not need a hearing to get this proceeding transferred to the Federal Judicial District in which you reside. Review this Notice carefully.

## **NOTICE TO DEFENDANT DEBTOR ON HOW TO CLAIM EXEMPTIONS**

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempt. This Notice lists the exemptions under Federal law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you must (i) fill out the claim for exemption form and (ii) deliver or mail the form to the United State District Court Clerk's Office of this Court and counsel for the United States. You have a right to a hearing within five (5) business days, or as soon thereafter as the Court deems practicable, from the date you file your claim with the court.

If the United States of America, as Creditor, is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the attached Notice to Garnishee. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to Court ready to explain why your property is exempt, and you should bring any documents which may help you prove your case. If you do not come to Court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

**CLAIM FOR EXEMPTION FORM**  
**EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. §3613)**

NOTE: 18 U.S.C. §3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ 1. Wearing Apparel and School Books. Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, Provisions, Furniture, and Personal Effects. So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$6,250** in value.
- ☐ 3. Books and Tools of a Trade, Business, or Profession. So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$3,125** in value.
- ☐ 4. Unemployment Benefits. Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered Mail. Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain Annuity and Pension Payments. Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. §1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation. Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- ☐ 8. Judgments for Support of Minor Children. If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- ☐ 9. Certain Service-Connected Disability Payments. Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States

Code) disability benefit under: (A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.

- \_\_\_\_\_ 10. Assistance Under Job Training Partnership Act. Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. §1501 et seq.) from funds appropriated pursuant to such Act.
- \_\_\_\_\_ 11. Minimum Exemptions for Wages, Salary and Other Income. The exemptions under 26 U.S.C. §6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. §1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25% of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

\_\_\_\_\_ I hereby request a Court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

( \_\_\_\_\_ )  
(Address)

or telephonically at ( \_\_\_\_\_ ).  
(Phone No.)

\_\_\_\_\_  
Debtor's printed or typed name

\_\_\_\_\_  
Signature of debtor

\_\_\_\_\_  
Date